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January 24, 2016

**VIA ECF**

Honorable Robert M. Levy  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Robert Cooper v. City of New York, et al.  
14-CV-1761 (RJD) (RML)

Your Honor:

I am the Senior Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the City and the named police officers in the above-referenced matter. Defendants write in regards to the “Motion for Discovery” filed by Plaintiff on January 8, 2016 (ECF no. 19), and in opposition to the subsequent “Motion for Discovery” filed January 21, 2016, requesting that the first motion be granted as unopposed (ECF No. 20).

Plaintiff’s first motion was a direct result of the conference held on January 7, 2016, to discuss Defendants’ pending Motion for a Protective Order (ECF No. 16). On the day following that conference, Defendants made an *in camera* submission to the Court regarding the subject matter of the motion for protective order<sup>1</sup> – the same subject matter that sought by Plaintiff’s first motion for discovery, which was filed the same day.<sup>2</sup> Plaintiff was well aware that Defendants would be making that submission for *in camera* review, and was also aware that the contents of that submission would pertain to the same information he purports to seek in his first motion for discovery.

In short, Plaintiff’s latest motion (ECF No. 20) – which can best be described as a “motion to grant my previous motion” – is a waste of everyone’s time. Discovery into matters concerning the “Risk Management Bureau” – to the extent there is even any discovery to be had

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<sup>1</sup> Defendants just noticed that the *in camera* letter that they emailed to Chambers on January 8, 2016, was misdated as “December 8, 2015.” Defendants’ apologize for that error.

<sup>2</sup> Defendants’ referenced but did not substantively respond to Plaintiff’s first motion in their *in camera* submission.

– is on hold pending the Court’s decision on Defendants’ motion for a protective order, as informed by Defendants’ *in camera* submission. Defendants are not requesting that the Court deny Plaintiff’s first motion (ECF No. 19) at this time; rather they are simply alerting the Court to their understanding that the fate of that motion is tied to resolution of the Defendants’ previously filed motion for a protective order. Defendants will submit a substantive response to Plaintiff’s first motion (ECF No. 19) if and when the Court directs them to do so. However, if the Court grants the motion for protective order, there should be no need to respond to the Plaintiff’s motion for document discovery into the same matters that would be covered by that protective order. In the meantime, Plaintiff’s second motion (ECF No. 20) should be denied.

Defendants thank the Court for its attention to this matter.

Respectfully submitted,

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